

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF ADOPTION AND
17.56.101, 17.56.102, 17.56.104,)	AMENDMENT
17.56.105, 17.56.201, 17.56.202,)	
17.56.204, 17.56.302, 17.56.303,)	(UNDERGROUND STORAGE
17.56.304, 17.56.305, 17.56.312,)	TANKS)
17.56.401, 17.56.402, 17.56.403,)	
17.56.407, 17.56.408, 17.56.409,)	
17.56.502, 17.56.504, 17.56.701,)	
17.56.702, 17.56.801, 17.56.802,)	
17.56.803, 17.56.807, 17.56.808,)	
17.56.809, 17.56.810, 17.56.811,)	
17.56.821, and 17.56.1301, and the)	
adoption of New Rules I, II, III, and IV)	
pertaining to underground storage tanks)	
petroleum and chemical substances)	

TO: All Concerned Persons

1. On August 24, 2018, the Department of Environmental Quality published MAR Notice No. 17-400, pertaining to the proposed adoption and amendment of the above-stated rules at page 1650 of the 2018 Montana Administrative Register, Issue No. 16.

2. The department has amended ARM 17.56.101, 17.56.102, 17.56.104, 17.56.105, 17.56.201, 17.56.202, 17.56.204, 17.56.302, 17.56.303, 17.56.304, 17.56.305, 17.56.312, 17.56.401, 17.56.402, 17.56.403, 17.56.407, 17.56.408, 17.56.409, 17.56.502, 17.56.504, 17.56.701, 17.56.702, 17.56.801, 17.56.802, 17.56.803, 17.56.807, 17.56.808, 17.56.809, 17.56.810, 17.56.811, 17.56.821, and 17.56.1301 exactly as proposed. The department has adopted New Rule I (17.56.306), New Rule II (17.56.307), New Rule III (17.56.804), and New Rule IV (17.56.1601) exactly as proposed.

3. The following comment was received and appears with the department's response:

COMMENT NO. 1: For New Rule I (17.56.306), it was suggested that the department consider the EPA's approved Low Liquid Level UST Containment Sump Testing Procedures, June 2018, to be an alternative method for owners and operators to meet containment sump testing requirements. This method has been vetted by the EPA, results in less amount of waste water, and has been approved by surrounding states and a significant number of states throughout the Midwest.

RESPONSE: As provided in New Rule I (17.56.306(1)(a)(ii)(C)), the department will allow the EPA's approved Low Liquid Level UST Containment Sump Testing Procedures (June 2018) for owners and operators to meet containment

sump testing requirements subject to the requirement that the method is determined by the department to be no less protective of human health and the environment than the testing methods listed in New Rule I (17.30.306(1)(a)(ii)(A) and (B). The department agrees the commenter's proposed low-level sump testing method is cost effective and produces less waste water and that the EPA has approved this procedure and considers it as protective of human health and the environment.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ Edward Hayes

EDWARD HAYES

Rule Reviewer

BY: /s/ George Mathieus

GEORGE MATHIEUS

Acting Director

Certified to the Secretary of State, September 25, 2018.